

Application No. 10/720,894

Filed 11/24/2003

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAR 26 2004

Appl. No: 10/720,894  
Applicant: Deepak M. Srinivasa  
Filed: November 24, 2003  
Title: Collaborative Planning Actions and Recipes

Art Unit: 2122  
Examiner: Unknown

Confirmation No: 5307

Docket No.: JP920020187US1

OFFICIAL

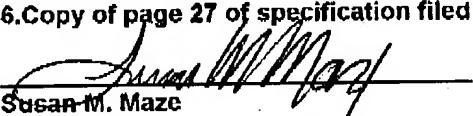
## CERTIFICATE OF Facsimile Transmission

I hereby certify that this Petition, including attachments listed below, is being transmitted via facsimile to USPTO Group Art Unit 2122 at telephone number 703-872-9306 on

March 26, 2004

## Attachments:

1. Notice of Omitted Items in a Nonprovisional Application (2 pages)
2. Fee Transmittal (1 page)
3. Express Mail receipt (1 page)
4. Copy of postcard acknowledged by the USPTO (1 page)
5. Copy of Application Transmittal (1 page)
6. Copy of page 27 of specification filed with the USPTO on 11/24/2003 (1 page)

  
Susan M. Maze

Date

3/26/04PETITION

This Petition is Responsive to a Notice of Omitted Items in a Nonprovisional Application (the "Notice"), dated March 8, 2004, a copy of which is attached. Applicant hereby petitions the Commissioner of Patents and Trademarks to retain the original filing date of November 24, 2003. Applicant contends that the item referred to in the Notice was, in fact, deposited in the USPTO with the nonprovisional application papers.

Application No. 10/720,894

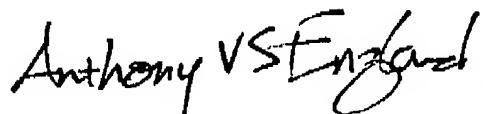
Filed 11/24/2003

The following evidence of the deposit is attached:

1. Express Mail receipt dated 11/24/2003;
2. Copy of postcard acknowledged by the USPTO, with "Specification (30 pages)" notation;
3. Copy of Application Transmittal, with "Patent Specification (30 pages)" notation;
4. Copy of page 27 of specification filed with the USPTO on 11/24/2003.

Also enclosed is a Fee Transmittal authorizing payment of a fee for the petition by charge to the deposit account of IBM Corporation. However, Applicant respectfully requests that the fee be waived since the allegedly omitted item was properly filed with the original application on November 24, 2003.

Respectfully submitted,



Anthony V. S. England  
Attorney for Applicants  
Registration No. 35,129  
512-477-7165  
a@aengland.com

Page 2 of 2

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/720,894	11/24/2003	Deepak M. Srinivasa	JP920020187US1

**CONFIRMATION NO. 5307****FORMALITIES LETTER**

\*OC000000012041771\*

Anthony V.S. England  
 Attorneys at Law  
 Suite 230  
 1717 West Sixth Street  
 Austin, TX 78703

Date Mailed: 03/08/2004

**NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION****FILED UNDER 37 CFR 1.53(b)**

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 27 of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) OR (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any

omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes . Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*A copy of this notice MUST be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 2 - COPY TO BE RETURNED WITH RESPONSE

PTO/SB/17 (10-03)

Approved for use through 07/31/2006, OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 130.00)

## Complete If Known

Application Number	10/720,894
Filing Date	11/24/2003
First Named Inventor	Deepak M. Srinivas
Examiner Name	Unknown
Art Unit	2122
Attorney Docket No.	JP920020187US1

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None
 Deposit Account:

Deposit Account Number

09-0457

Deposit Account Name

International Business Ma

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 180	2005 80	Provisional filing fee	
<b>SUBTOTAL (1)</b>			<b>(\$ 0)</b>

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims below	Fee from below	Fee Paid
			-20** =	X	=
			-3** =	X	=

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2)</b>		<b>(\$ 0)</b>

\*\* or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1256 2,010	2256 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or release)	
1502 480	2502 240	Design issue fee	
1503 840	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	\$ 130.00
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			
*Reduced by Basic Filing Fee Paid			
<b>SUBTOTAL (3)</b>		<b>(\$ 130.00)</b>	

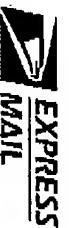
(Complete if applicable)

Name (Print/Type)	Anthony V.S. England	Registration No. (Attorney/Agent)	35,129	Telephone	512-477-7165
Signature	Anthony V.S. England			Date	3-26-2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**MAIL**  
UNITED STATES POSTAL SERVICE  
**POST OFFICE TO ADDRESSEE**

\* E U 8 2 9 4 1 8 0 1 5 1 1 \*

## **Customer Copy**

Lab#11-B June 2002

PAGE 6/9 \* RCV'D AT 3/26/2004 1:25:36 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-1/0 \* DNI'S:8729306 \* CSID:512 322 0211 \* DURATION (mm:ss) :03-26

## PATENT APPLICATION-CONCURRENT FILING )

Docket No. J P 9 2 002 018745Applicant SrinivasqTitle Collaborative Planning Actions  
and RecipesSerial No. UNKNOWNFiled HEREWITHGroup Art Unit UNKNOWNExamining Attorney UNKNOWN

The Patent and Trademark Office acknowledges, and has stamped hereon, the date of receipt of the items checked below which were mailed:

FEE TRANSMITTAL  
 CREDIT CARD PAYMENT FORM  
 ASSIGNMENT, INCLUDING RECORDATION  
 DECLARATION  
 POWER OF ATTORNEY  
 DECLARATION AND POWER OF ATTORNEY  
 ELECTION AND POWER OF ATTORNEY  
 INFORMATION DISCLOSURE STATEMENT  
 SPECIFICATION 30 pages  
 DRAWINGS, 6 sheets

22390 U.S. PTO  
10/720894

112403

OTHER Authorization to File  
U.S. Patent Application

Certificate of Express Mail No. EU826618013US

THE ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

DOCKET NUMBER: JP920020187US1

Assignee Name: International Business Machines Corporation  
Assignee Residence: Armonk, New York

Transmitted herewith for filing is the Patent Application of:

Inventor: Deepak M. Srinivasa

For: Collaborative Planning Actions and Recipes

Enclosed are:

Patent Specification (30 pages) and Declaration and Power of Attorney dated 11/3/03.

6 sheets of formal drawing(s).

An assignment of the invention to International Business Machines Corporation (includes Recordation Form Cover Sheet) dated 11/3/03.

Authorization to File United States Patent Application dated 11/3/03.

Information Disclosure Statement, PTO 1449 and copies of references.

The filing fee has been calculated as shown below:

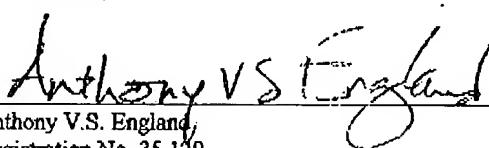
For	Number Filed	Number Extra	Rate	Fee
<u>Basic Fee</u>				\$ 770.00
<u>Total Claims</u>	14 - 20	0	x 18 =	\$ 0.00
<u>Indep. Claims</u>	5 - 3	2	x 84 =	\$ 168.00
<u>MULTIPLE DEPENDENT CLAIMS PRESENTED</u>	0		x 280 =	\$ 0.00
			TOTAL	\$ 938.00

 Please charge my Deposit Account No. 50-0629 in the amount of \$ 938.00. The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account 50-0629. Any additional filing fees required under 37 CFR §1.16. Any patent application processing fees under 37 CFR §1.17.

Respectfully submitted,

By

Anthony V.S. England,  
Registration No. 35,129  
1717 West Sixth Street  
Suite 230  
Austin, TX 78703  
Telephone (512) 477-7165



- 27 -

11. Computer software recorded on a medium for assessing the relative complexity of different options for performing a task, the computer software comprising:

5           software code means for defining a task as a sequenced set data structure that specifies actions of the task, and sequence information that specifies the order in which particular actions are to be performed;

10           software code means for storing recipes available for performing constituent actions of the task as sequenced set data structures that specify subactions of the recipes for constituent actions, and sequence information that specifies the order in which the specified subactions are to be performed; and

15           software code means for determining complexity measures associated with performing the task using different combinations of recipes for constituent actions of the task, based upon complexity measures of actions specified by respective combinations of available recipes.

20           12. Computer software recorded on a medium for assessing the relative complexity of different options for performing a task, the computer software comprising software code for performing the following steps:

25           defining a task as a sequenced set data structure that specifies actions of the task, and sequence information that specifies the order in which particular actions are to be performed;

30           storing recipes available for performing constituent actions of the task as sequenced set data structures that specify subactions of the recipes for constituent actions, and sequence information that specifies the order in which the specified subactions are to be performed; and

35           determining complexity measures associated with performing the task using different combinations of recipes for constituent actions of the task, based